

---

By: **Delegate Amedori**

Introduced and read first time: February 8, 2001

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Award of Expenses**

3 FOR the purpose of authorizing a court to award costs and counsel fees under certain  
4 circumstances at any point in certain proceedings; and generally relating to the  
5 award of expenses in certain proceedings.

6 BY repealing and reenacting, with amendments,  
7 Article - Family Law  
8 Section 12-103  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2000 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Family Law**

14 12-103.

15 (a) [The] AT ANY POINT IN A PROCEEDING UNDER THIS ARTICLE, THE court  
16 may award to either party the costs and counsel fees that are just and proper under  
17 all the circumstances in any case in which a person:

18 (1) applies for a decree or modification of a decree concerning the  
19 custody, support, or visitation of a child of the parties; or

20 (2) files any form of proceeding:

21 (i) to recover arrearages of child support;

22 (ii) to enforce a decree of child support; or

23 (iii) to enforce a decree of custody or visitation.

24 (b) Before a court may award costs and counsel fees under this section, the  
25 court shall consider:

1           (1)     the financial status of each party;

2           (2)     the needs of each party; and

3           (3)     whether there was substantial justification for bringing,  
4 maintaining, or defending the proceeding.

5       (c)     Upon a finding by the court that there was an absence of substantial  
6 justification of a party for prosecuting or defending the proceeding, and absent a  
7 finding by the court of good cause to the contrary, the court shall award to the other  
8 party costs and counsel fees.

9       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2001.